IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 9899 of 2007(C)

WCC.121/1998 of W.C.C.,ERNAKULAM
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PETITIONER:

SUMA VISWANATH W/O LATE P.VISWANATH,
SREENILAYAM, AREEKATTACKAL WEST, VAYALA P.O.,
ADOOR, PATHANAMTHITTA.

BY ADV. SRI.S.SREEKUMAR

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY
DISTRICT COLLECTOR, ERNAKULAM, CIVIL STATION,
KAKKANADU.

2. COMMISSIONER FOR WORKMAN COMPENSATION
(DEPUTY LABOUR COMMISSIONER), KAKKANAD,
ERNAKULAM.

3. SRI.SAMUAL VARGHESE,
S.V.CONSTRUCTIONS, PIRAVOM P.O.,
(KANDATHIPARAMBIL, MUTTOM P.O., HARIPAD.

4. DISTRICT CO-OPERATIVE BANK,
PATHANAMTHITTA.

ADDL. RESPONDENTS:

5. EXECUTIVE ENGINEER, MUVATTUPUZHA
IRRIGATION PROJECT, MUVATTUPUZHA.

6. EXECUTIVE ENGINEER, MUVATTUPUZHA
IRRIGATION PROJECT, DIVISION NO.IV, PIRAVOM.

(ADDL. R5&6 ARE IMPLEADED AS PER ORDER DT.29.3.2007
IN WPC NO.9899/2007.)

R1&2 BY G.P.SRI.P.N.SANTHOSH
BY ADV. SRI.K.BABU THOMAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF AWARD DT.19.12.05 ISSUED BY COMMISSIONER.

P2: TRUE COPY OF PETITION SUBMITTED BY PETITIONER BEFORE R2.

P3: TRUE COPY OF EXPARTE AWARD DT.2.9.02 PASSED BY CO-OPERATIVE ARBITRATOR.

P4: TRUE COPY OF AUCTION NOTICE DT.9.2.07 ISSUED BY THE SALES OFFICER OF R4.

P5: TRUE COPY OF NOTICE DT.26.2.07 ISSUED BY R4.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.9899 of 2007

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Dated this the 26th day of July, 2007.

JUDGMENT

The W.P. is filed challenging recovery proceedings for recovery of arrears due to the 4th respondent. Liability is not disputed, but petitioner's case is that she was entitled to get substantial amount towards compensation from third respondent. In view of the claim by the petitioner, stay was granted by this court against sale of petitioner's property. Counsel for third respondent today produced in court receipt dated 19.7.2007 issued by the Tahsildar, Karthikappally acknowledging remittance of Rs.3,19,599/- by the third respondent in recovery proceedings. It is seen that collection charge is also recovered from third respondent. In the circumstances, W.P. is disposed of directing the Tahsildar, Karthikappally to issue Pay Order or Treasury Cheque for Rs.3,04,375/- to the 4th respondent for credit in petitioner's loan account and for refund of the balance amount to the petitioner or deposit in terms of petitioner's instruction. I make it clear that no collection charge or cost of recovery should be recovered by 4th respondent from petitioner. The Tahsildar, Karthikappally will immediately on receipt of copy of this judgment forward the amount to the 4th

respondent-Bank. The petitioner will produce copy of this judgment before the Tahsildar for compliance. Proceedings for sale of petitioner's property initiated by the Arbitrator shall stand cancelled.

C.N.RAMACHANDRAN NAIR
Judge

pms